

HOUSE BILL 2772
By Purcell

AN ACT to amend Tennessee Code Annotated, Section 2-2-106; Section 2-2-109; Section 2-2-129; Section 2-2-130; Section 2-6-109; Section 2-6-202; Section 2-7-112; Section 2-7-115 and Section 2-7-124, relative to failsafe procedures allowing persons who have moved and not updated their address to still be capable of voting in accordance with the National Voter Registration Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-2-106, is amended by deleting subsections (d) and (e) in their entirety and substituting instead the following language:

(d) Upon the mailing of a notice pursuant to subsection (c), the registrar shall place the registration in inactive status and then take one (1) of the following steps as appropriate to the response of the voter or the failure of the voter to respond to the notice:

(1) If the voter returns the form or otherwise notifies the election commission in writing and indicates that there is in fact no change in address, the voter's registration will be returned to active status.

(2) If the voter returns the form or otherwise notifies the election commission in writing and indicates a new address within the county of current registration, the voter's registration will be updated to reflect the new address of residence.

(3) If the voter returns the form or otherwise notifies the election commission in writing and indicates a new address in another county, the registrar shall remove the voter's name from the voter registration rolls, and the registrar shall advise the voter how to register in the new county of residence.

(4) If a voter fails to respond to a confirmation notice and the voter in fact does not have a new address or has a new address within the same precinct, the voter may appear at the voter's polling place and vote in any election held between the time the notice was sent and the second regular November election held after the notice was sent. When appearing to vote, the person will be required to make written affirmation on the affidavit as described in Section 2 of this bill and vote according to the procedures outlined in that section.

(5) If a voter fails to respond to a confirmation notice and if the voter has changed the voter's residence address to an address within the same county but in another precinct, the voter may correct the registration and vote at the appropriate polling place for the voter's new residence in any election held between the time the notice was sent and the second regular November election held after the notice was sent. When appearing to vote, the person will be required to make written affirmation on the affidavit as described in Section 2 of this bill and vote according to the procedures outlined in that section.

(6) If a voter fails to respond to a confirmation notice and if the voter has changed the voter's residence address to an address outside the county of registration, the voter may not vote until he or she becomes properly registered in the new county of residence except as provided in 2-7-115.

(7) A voter may use a response to a confirmation notice to update the voter's registration to reflect a change in the voter's name.

(e) If the voter fails to respond to the confirmation notice, does not appear to vote, and does not update the voter registration between the time the notice is sent and the second regular November election held after the notice was sent, the registrar shall purge the voter's registration.

SECTION 2. Tennessee Code Annotated, Title 2, Chapter 7, Part 1, is amended by adding the following new section:

(a) Voters whose registration is in inactive status because of a failure to respond to a confirmation notice described in 2-2-106(c) and voters who have changed their address of residence to a new address within the county of registration shall be required to vote under the procedures of this section.

(b) An inactive voter who has not moved or any registered voter of the county that has changed his residence to a new address within the same voting precinct shall be required to make a written affirmation of his current address and that he is entitled to vote before voting. This affirmation shall be made on a standard form provided by the county election commission and shall be made before the officer of elections at the voter's polling place or the appropriate election official at an early voting site. The voter may then vote using the same method as any other voter at the polling place.

(c) A registered voter of the county who has changed his residence to a new address within the county of registration but outside his former voting precinct shall be required to make a written affirmation of his current address and that he is entitled to vote before voting.

(1) If a voter under this subsection appears at an early voting location and makes the proper affirmation, the election official shall allow the voter to vote the ballot for his or her new precinct of residence using the same method as any other voter at the polling place.

(2) If a voter under this subsection appears at his or her former polling place, the voter cannot cast any ballot at that location. An election official shall make a determination of the voter's new polling place and inform the voter of the appropriate place to vote. The voter shall be required to make a written affirmation of the voter's current address and that the voter is entitled to vote. The official at the voter's former polling location shall indicate on the affirmation that the person has not been allowed to vote at that location and shall give the voter a copy of the form to take to his or her new polling location. Upon presenting that affirmation at the new polling location and verification that the new address is within that precinct, the voter shall be allowed to vote using the same method as any other voter at the polling place.

(3) If a voter under this subsection appears at a polling location where the voter is not currently registered, and does not have a copy of the form described in paragraph (c)(2), the election official shall make a determination as to whether that voter's new address is within the voting precinct for that polling location. If the voter now resides in that precinct, the voter shall be required to make a written affirmation of the voter's current address and that the voter is entitled to vote. The fact that this person is a registered voter must be confirmed by the county election commission before this person's vote is counted.

(d) If a voter described in subsection (a) applies for an absentee ballot, the voter shall fill out the appropriate portion of the absentee application to affirm the voter's address and that the voter is entitled to vote. This affirmation would not have to be made in front of an election official. Upon receiving a proper application, the registrar shall send the voter a ballot for the precinct where the voter now resides and update the registration based upon the affirmation as necessary.

SECTION 3. Tennessee Code Annotated, Section 2-2-109(a), is amended by deleting the section in its entirety and substituting instead the following language:

(a) A qualified voter may register or have the voter's registration altered at the commission office at any time the office is open except that applications for registration shall not be processed for twenty-nine (29) days before an election; provided, that a qualified voter may file a mail registration form by postmarking the registration form or submitting the registration form thirty (30) days before an election. A qualified voter may correct a deficient but timely filed, mail registration form if the voter comes to the commission office no later than five (5) days before the election and presents the rejection of registration notice to the registrar. The registrar shall register the person to vote if the person is otherwise eligible to register. The registrar shall be empowered to update an existing registration to place it within the correct precinct in the county when a voter changes his or her address through the process described in Section 2 of this bill.

SECTION 4. Tennessee Code Annotated, Section 2-2-129, is amended by deleting paragraph three (3) in its entirety and substituting instead the following language:

(3) To provide an additional means of initiating and effecting transfers of voter registration within the county of current registration, the commission shall provide the officer of elections at each polling place and the officials at each early voting site with the proper affidavits. Voters who have moved within the county of registration may vote under the provisions described in Section 2 of this bill and simultaneously transfer their registration. The written affidavit completed by the voter shall serve as a transfer of registration form for the voter. The election commission shall also make available transfer of address forms for voters who may anticipate a move in the future.

SECTION 5. Tennessee Code Annotated, Section 2-2-130, is amended by deleting that section in its entirety and substituting instead the following language:

The registrar after transferring a registration shall immediately give or mail to the voter a new registration card unless the transfer is accomplished through the provisions of Section 2 of this bill. If the registration is transferred as a result of the provisions of Section 2 of this bill, the registrar shall not provide the voter with a new registration card until after the completion of the election.

SECTION 6. Tennessee Code Annotated, Section 2-6-109(a), is amended by adding the following language after the first sentence of that subsection:

The registrar shall make a determination whether the voter's address is different from the address on the voter's permanent registration record or if the registration is in inactive status. If the voter has changed residence, or the voter's registration is inactive, the registrar shall follow the procedures for voting pursuant to Section 2 of this bill.

SECTION 7. Tennessee Code Annotated, Section 2-6-202(d)(1), is amended by adding the following language after the first sentence of that subsection:

The registrar shall make a determination whether the voter's address is different from the address on the voter's permanent registration record or if the registration is in inactive status. If the voter has changed residence, or the voter's registration is inactive, the registrar shall follow the procedures for voting pursuant to Section 2 of this bill.

SECTION 8. Tennessee Code Annotated, Section 2-7-112(a)(1), is amended by adding the following language after the third sentence of that subsection:

The registrar shall make a determination whether the voter's address is different from the address on the voter's permanent registration record or if the registration is in inactive status. If the voter has changed residence, or the voter's registration is inactive, the registrar shall follow the procedures for voting pursuant to Section 2 of this bill.

SECTION 9. Tennessee Code Annotated, Section 2-7-115, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) A voter may vote only in the precinct where the voter resides and is registered, but if a registered voter has, at any time prior to voting, changed residence to another place inside the county, the voter must vote pursuant to the provisions of Section 2 of this bill. If a registered voter has, within ninety (90) days before an election, changed residence to another place inside Tennessee but outside the county where the voter is registered, the voter may vote in the polling place where the voter is registered. If the voter has, within ninety (90) days before an election, changed name by marriage or otherwise, the voter may vote in the polling place where the voter is registered or is entitled to vote under Section 2 of this bill.

SECTION 10. Tennessee Code Annotated, Section 2-7-124, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) A person offering to vote may be challenged only on the grounds that the person:

- (1) Is not a registered voter in Tennessee;
- (2) Is not a resident of the precinct voting at that polling place;
- (3) Is not the registered voter under whose name the person has applied to vote;
- (4) Has already voted in the election; or
- (5) Has become ineligible to vote in the election being conducted at the polling place since the person registered.

SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it.